

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREA WEINSTEIN, on behalf of herself and those similarly situated,

Plaintiff,

– against –

EBAY, INC., STUBHUB, INC., NEW YORK
YANKEE PARTNERSHIP AND JOHN DOE,

Defendants.

ECF Case

Case #: 10-cv-8310 (JFK)

DECLARATION OF RANDALL S. NEWMAN

1. RANDALL S. NEWMAN, pursuant to 28 U.S.C. § 1746, declares under penalties of perjury as follows:

2. I am a member of the bar of this Court in good standing. My firm is counsel to the Plaintiff, Andrea Weinstein (the “Plaintiff”) and I am familiar with the facts and circumstances in this action.

3. I submit this Declaration in Opposition to the Defendant’s Motion to Dismiss the Plaintiff’s Amended Complaint pursuant to FED. R. CIV. P. 12(b)(6).

4. Attached as Exhibit “A” hereto is a copy of a press release regarding Major League Baseball and StubHub’s agreement for StubHub to be the exclusive secondary ticket reseller for the MLB.

5. Attached as Exhibit “B” hereto is a copy of a New York Yankees’ ticket issued electronically on the secondary ticket market by TicketsNow.com.

6. Attached as Exhibit “C” hereto is a copy of select portions of eBay’s annual 10-K dated January 28, 2011.

7. Attached as Exhibit “D” hereto is a copy of StubHub’s website offering Knicks

basketball tickets for sale.

8. Attached as Exhibit "E" is the Secretary of State's Report on Ticket Reselling and Article 25 of the Arts & Cultural Affairs Law dated February 1, 2010

9. I declare under penalty of perjury that, to the best of my knowledge and good faith belief, the foregoing is true and correct.

Dated: New York, New York
March 3, 2011

s/ Randall S. Newman
Randall S. Newman, Esq. (RN7862)